



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 09-996

May 1, 2009

**SkyTerra Communications, Inc., Transferor, and Harbinger Capital Partners Funds, Transferee,
Seek FCC Consent to Transfer Control of SkyTerra Subsidiary, LLC**

IB Docket No. 08-184

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: June 1, 2009

Oppositions Due: June 11, 2009

Replies Due: June 18, 2009

I. INTRODUCTION

SkyTerra Communications, Inc. (“SkyTerra Communications” or “Transferor”) and Harbinger Capital Partners Funds (“Harbinger” or “Transferee,” and together with SkyTerra Communications, the “Applicants”) have filed a series of applications (collectively, “Application”) pursuant to sections 214 and 310(d) of the Communications Act of 1934, as amended (“Communications Act”),¹ seeking approval to transfer control of SkyTerra Subsidiary LLC (“SkyTerra”),² a Commission licensee, from SkyTerra Communications to Harbinger.

II. THE PARTIES

A. The Transferor – SkyTerra Communications

SkyTerra Communications is a company organized under the laws of Delaware. SkyTerra Communications is a holding company that wholly owns SkyTerra LP, a Delaware limited partnership

¹ 47 U.S.C. §§ 214, 310(d). See SkyTerra Communications, Inc., Transferor, Harbinger Capital Partners Funds, Transferee, Applications for Authority to Transfer Control of SkyTerra Subsidiary LLC, Narrative, IB Docket No. 08-184 (filed Mar. 27, 2009) (“SkyTerra Narrative”), as amended by Letter from Joseph A. Godles, Counsel for Harbinger Capital Partners Funds, to Marlene H. Dortch, Secretary, Federal Communications Commission (dated March 31, 2009). We note that the applications for this transfer of control, including a narrative, were filed on August 22, 2008. The SkyTerra Narrative incorporates changes that have taken place since the applications were filed and replaces the narrative filed on August 22, 2008.

² SkyTerra was formerly known as Mobile Satellite Ventures Subsidiary LLC. See SkyTerra Narrative at 2, n.3.

that wholly owns SkyTerra, a Delaware limited liability company.³ SkyTerra LP's general partner, SkyTerra GP Inc., is a wholly-owned subsidiary of SkyTerra Communications.⁴

SkyTerra, the licensee, operates a Mobile Satellite Service ("MSS") system in the L-band.⁵ SkyTerra is authorized to operate AMSC-1, a U.S.-licensed satellite, and to launch and operate SkyTerra-1, a replacement satellite for AMSC-1.⁶ SkyTerra has authority to operate ancillary terrestrial component ("ATC") facilities in conjunction with these satellites. It also holds fixed and mobile earth station licenses, section 214 authorizations, experimental licenses and a mobile itinerant license that are associated with these satellites and a planned MSS-ATC network.⁷

SkyTerra Communications is a joint venture partner of SkyTerra (Canada) Inc. ("SkyTerra Canada"), which holds various Canadian authorizations to operate its own L-band MSS satellite ("MSAT-1") as well as a next generation replacement, SkyTerra-2, for that satellite.⁸ SkyTerra Communications and SkyTerra Canada provide land mobile services in the United States and Canada through their existing satellites and are developing an integrated satellite-terrestrial communications network that would provide wireless coverage to consumer handsets in the United States and Canada.⁹ SkyTerra Canada is controlled by BCE, a Canadian Corporation.¹⁰

B. Transferee – Harbinger

Harbinger consists of the Harbinger Capital Partners Master Fund I, Ltd. ("Master Fund") and the Harbinger Capital Partners Special Situations Funds, L.P. ("Special Situations Fund"). According to the Applicants, Harbinger holds approximately 49 percent of the equity and approximately 48 percent of the voting interests in SkyTerra Communications, along with warrants for additional voting shares in

³ SkyTerra Narrative at 5. SkyTerra LP was formerly known as Mobile Satellite Ventures LP. See SkyTerra Narrative at 2, n.3.

⁴ SkyTerra Narrative at 5. SkyTerra GP Inc. was formerly known as Mobile Satellite Ventures GP. See SkyTerra Narrative at 2, n.3.

⁵ SkyTerra Narrative at 4. In 1989, the Commission licensed SkyTerra to operate MSS in the L-band. See *Amendment of Parts 2, 22 and 25 of the Commission's Rules to Allocate Spectrum for and to Establish Other Rules and Policies Pertaining to the Use of Radio Frequencies in a Land Mobile Satellite Service for the Provision of Various Common Carrier Services, Hughes Communications Mobile Satellite, Inc., et al.*, Gen. Docket No. 84-1234, Memorandum Opinion, Order and Authorization, FCC 89-183, 4 FCC Rcd 6041 (1989), *remanded by Aeronautical Radio, Inc. v. FCC*, 928 F.2d 428 (D.C. Cir. 1991), *Final Decision on Remand*, 7 FCC Rcd 266 (1992), *aff'd*, *Aeronautical Radio, Inc. v. FCC*, 983 F.2d 275 (D.C. Cir. 1993). The "L-band" is a general designation for frequencies from 1 to 2 GHz. In the United States, the Commission has allocated L-band spectrum for MSS downlinks (space to Earth transmissions) in the 1525-1544 MHz and 1545-1559 MHz bands and for MSS uplinks (Earth to space transmissions) in the 1626.5-1645.5 MHz and 1646.5-1660.5 MHz bands. See 47 C.F.R. § 2.106.

⁶ SkyTerra Narrative at 4. SkyTerra-1 was formerly known as MSV-1. See SkyTerra Narrative at 2, n.3.

⁷ SkyTerra Narrative at 4.

⁸ SkyTerra Narrative at 5. SkyTerra Canada was formerly known as Mobile Satellite Ventures (Canada) Inc. SkyTerra-2 was formerly known as MSV-2. See SkyTerra Narrative at 2, n.3.

⁹ SkyTerra Narrative at 5.

¹⁰ *Id.*

SkyTerra Communications.¹¹ The Applicants also state that Harbinger has the right to acquire additional shares of SkyTerra Communications out of escrow if the Commission approves the transfer of control of SkyTerra to Harbinger.¹² Harbinger also has interests in other MSS companies. Harbinger owns approximately 31 percent of the voting shares and approximately 44 percent of the equity of TerreStar Corporation (“TerreStar”) as well as debt instruments in TerreStar.¹³ Harbinger holds approximately \$99.5 million dollars (face value) in convertible bonds in ICO North America, Inc. and 2,398,281 in common shares in ICO Global Communications (Holdings) Limited.¹⁴ In addition, based on publicly-available information, Harbinger holds approximately 29 percent of the issued and outstanding voting shares of Inmarsat plc and holds convertible bonds in Inmarsat plc.¹⁵ Harbinger also holds interests in other companies, including minority equity interests of less than 25 percent in Satélites Mexicanos Sa de CV, Leap Wireless, and The New York Times Company.¹⁶

III. THE TRANSACTION

Harbinger proposes to acquire control of SkyTerra Communications and its subsidiaries through the exercise of warrants and/or by other stock acquisitions, including the right to acquire SkyTerra Communications shares currently held in escrow if the Commission consents to transferring control of

¹¹ SkyTerra Narrative at 6. These percentages include approximately 2% of SkyTerra Communications’ voting common stock and approximately 14% of SkyTerra Communications’ equity, which is owned by another Harbinger fund, Harbinger Capital Partners Fund I, L.P. However, Harbinger expects those interests to eventually be distributed to the Master Fund and the Special Situations Fund. See SkyTerra Narrative at 6 n.9. According to the Applicants, the exact percentages to be held by the Master Fund and the Special Situations Fund will vary depending upon market conditions and other factors. The Applicants contend though that because both funds are under the same ultimate control, changes in the funds’ relative percentages would have no material impact on the transfer of control. *Id.* at 1 n.1.

¹² See SkyTerra Narrative at 6, n.10. The escrowed shares include: (1) 0.91% of SkyTerra Communications’ voting stock and 0.41% of SkyTerra Communications’ equity stemming from an April 2008 transaction in which Harbinger acquired shares of SkyTerra Communications from various Apollo funds; (2) 7.27% of SkyTerra Communications’ total equity (non-voting) that were transferred to Wells Fargo Bank, National Association (“Wells Fargo”) and placed in escrow in connection with a September 2008 transaction in which Harbinger acquired SkyTerra Communications shares from TerreStar; and (3) 3.35% of SkyTerra Communications’ voting stock and 1.50% of SkyTerra Communications’ equity that were placed in escrow when Wells Fargo acquired the shares in January and February 2009. SkyTerra Narrative at 6 n.10. See also Letter from Joseph A. Godles, Counsel to Harbinger, to Marlene H. Dortch, Secretary, Federal Communications Commission (dated March 10, 2009) (attaching agreements that govern the escrowed shares of SkyTerra Communications) and Harbinger Capital Partners Master Fund I, Ltd. and Harbinger Capital Partners Special Situations Funds, L.P., Amendment to Petition for Declaratory Ruling (dated April 17, 2009) (amending the Wells Fargo escrow agreement). The escrow agreements and the amendment are available in IBFS under File No. ISP-PDR-20080129-00002, *as amended by* ISP-AMD-20090417-00002.

¹³ SkyTerra Narrative at 6. TerreStar Corporation previously held an equity interest in SkyTerra, but has since sold that interest. See TerreStar Sells Remaining Interest in SkyTerra for \$123 M (dated September 16, 2008), *available at* <http://www.terrestar.com/news/press/20080916.html>. TerreStar Corporation’s subsidiary, TerreStar Networks, Inc., holds an FCC letter of intent authorization to launch and operate in the United States TerreStar-1, a Canadian-licensed S-band MSS satellite that will serve the United States and Canada. SkyTerra Narrative at 6.

¹⁴ SkyTerra Narrative at 7, n.11. An affiliate of these companies holds a Commission Letter of Intent authorization to operate an S-band MSS satellite in the United States. *Id.*

¹⁵ SkyTerra Narrative at 6.

¹⁶ SkyTerra Narrative at 6-7.

SkyTerra to Harbinger.¹⁷ If Harbinger is permitted to acquire all of the shares to which it currently has rights, Harbinger would hold over 77 percent of the voting interests in SkyTerra Communications.¹⁸ According to the Application, Harbinger expected to receive in April 2009 and expects to receive in January 2010 warrants to acquire an additional 21,250,000 shares and 3,750,000 shares, respectively, of SkyTerra Communications voting common stock, pursuant to a \$500 million financing facility that Harbinger has made available to SkyTerra LP. According to the Applicants, exercising these warrants, along with the acquisition of the securities described above, would increase Harbinger's share of SkyTerra Communications' voting common stock to approximately 81.85 percent.¹⁹ The Applicants also request a declaratory ruling under section 310(b)(4) of the Communications Act that it is consistent with the public interest for Harbinger and commonly-controlled funds to own, directly or indirectly, up to 100 percent of the issued and outstanding stock of SkyTerra Communications, the controlling U.S. parent of SkyTerra.²⁰

IV. THE APPLICATION

The Application consists of individual applications as follows:

- Three FCC Form 312 applications seeking consent for the transfer of SkyTerra's MSS space station and fixed and mobile earth station authorizations;
- One FCC International section 214 application seeking consent to transfer SkyTerra's international section 214 authorizations;
- One FCC Domestic section 214 application seeking consent to transfer SkyTerra's domestic section 214 authority;
- One FCC Form 703 application for consent to transfer SkyTerra's experimental licenses; and
- One FCC Form 603 application seeking consent to transfer SkyTerra's Industrial/Business Pool land mobile license.

V. SECTION 214 AUTHORIZATIONS

A. International

The following application for consent to transfer control of international section 214 authorizations to Harbinger has been assigned the file number listed below:

<u>File No.</u>	<u>Authorization Holder</u>	<u>Authorization Numbers</u>
ITC-T/C-20080822-00397	SkyTerra	ITC-214-19951215-00023 ITC-214-19950314-00022

¹⁷ SkyTerra Narrative at 6, 7.

¹⁸ SkyTerra Narrative at 7.

¹⁹ *Id.*

²⁰ See Section VII *infra*.

B. Domestic

The Applicants filed an application for consent to transfer control of the domestic section 214 authority of SkyTerra to Harbinger. SkyTerra holds domestic section 214 authority to provide interstate telecommunications services throughout the United States. The Applicants assert that this transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules because: (1) the Applicants and their affiliates combined will hold less than a 10 percent share of the interstate, interexchange market; (2) the Applicants and their affiliates will provide competitive local exchange service, if at all, only in areas served by dominant local exchange carriers (none of which is a party to the proposed transaction); and (3) none of the Applicants or their affiliates is dominant with respect to any service.²¹ In light of the multiple applications pending before the Commission in this transaction and the public interest review associated with them, however, we conclude that the Applicants' domestic transfer of control application is not subject to streamlined treatment.

VI. SECTION 310(d) APPLICATIONS

C. Part 25-Satellite Earth Station and Space Station Authorization Applications

The following applications for consent to transfer control of fixed and mobile earth station authorizations and a space station authorization from SkyTerra Communications to Harbinger have been assigned the file numbers listed below:

Fixed Earth Station Authorizations:

<u>File No.</u>	<u>Licensee</u>	<u>Call Signs</u>
SES-T/C 20080822-01089	SkyTerra	E940374 E930124

Mobile Earth Station Authorizations:

<u>File No.</u>	<u>Licensee</u>	<u>Call Signs</u>
SES-T/C-20080822-01088	SkyTerra	E990133 E980179 E930367

Space Station Authorizations:

<u>File No.</u>	<u>Licensee</u>	<u>Call Signs</u>
SAT-T/C-20080822-00157	SkyTerra	AMSC-1 (includes ATC authority) S2358

²¹ 47 C.F.R. § 63.03(b)(2)(i).

D. Part 90-Wireless License

The following application for consent to transfer an Industrial/Business Pool land mobile license from SkyTerra Communications to Harbinger has been assigned the file number listed below:

<u>File No.</u>	<u>Licensee</u>	<u>Call Sign</u>
0003540644	SkyTerra	WQHL596

E. Part 5-Experimental Licenses

The following application for consent to transfer control of an experimental license from SkyTerra Communications to Harbinger has been assigned the file number listed below.

<u>File No.</u>	<u>Licensee</u>	<u>Call Signs</u>
0021-EX-TU-2008	SkyTerra	WC9XRS XD WE2XIF XD WE2XJW XD WD2XNL XD WE2XOD XD WE2XOW XD WE2XPD XD

VII. PETITION FOR DECLARATORY RULING UNDER SECTION 310(b)(4)

The Applicants request a declaratory ruling (“Petition”) under section 310(b)(4) of the Communications Act²² that it is consistent with the public interest for Harbinger and commonly-controlled funds to own, directly or indirectly, up to 100 percent of the issued and outstanding stock of SkyTerra Communications, the controlling U.S. parent of SkyTerra.²³ In the event that Harbinger and the other commonly-controlled funds hold less than 100 percent of the issued and outstanding stock of SkyTerra Communications following consummation of the proposed transfer of control, the Applicants also request a declaratory ruling permitting foreign investors not identified in its Petition to own up to 25 percent of SkyTerra Communications’ equity and voting stock.²⁴

According to the Applicants, the Master Fund is a Cayman Islands exempted company. The majority of the Master Fund’s shares (83.72% of its equity and voting interests) are held by Harbinger Capital Partners Offshore Fund I, Ltd. (the “Offshore Feeder Fund”) and Cayman Islands entities co-

²² 47 U.S.C. § 310(b)(4). The Petition is attached to the Narrative portion of the Applications as Attachment B, *as amended by* Letter from Joseph A. Godles, Counsel for Harbinger Capital Partners Funds, to Marlene H. Dortch, Secretary, Federal Communications Commission (dated March 31, 2009).

²³ According to the Petition, Harbinger Capital Partners Fund I, L.P. and Harbinger Co-Investment Funds, L.P., both of which are under the same control as the Master Fund and the Special Situations Fund, may acquire ownership interests in SkyTerra Communications. *See* SkyTerra Narrative, Attachment B at 1, n.3.

²⁴ SkyTerra Narrative, Attachment B at 1. The Applicants do not seek authority that would permit any foreign investor not identified in the Petition to acquire control of SkyTerra Communications, or to acquire an equity and/or voting interest in SkyTerra Communications that exceeds 25% without obtaining additional approval from the Commission. SkyTerra Narrative, Attachment B at 2.

owned by the Offshore Feeder Fund and certain “Redeemed Investors.”²⁵ The Master Fund and the Offshore Feeder Fund have delegated broad investment management authority to Harbinger Capital Partners, LLC (the “Offshore Manager”), a Delaware limited liability company that is ultimately controlled by Philip A. Falcone, a U.S. citizen.²⁶ The Petitioners state that the remaining shares of the Master Fund (16.28% of its equity and voting interests) are held by the Harbinger Capital Partners Fund I, L.P. (“Partners Fund”), a Delaware limited partnership that is controlled by Mr. Falcone, and Delaware entities co-owned by the Partners Fund and certain “Redeemed Investors.”²⁷ According to the Petition, all of the direct and indirect equity and voting interests in the Master Fund are held by citizens of, or entities that have their principal places of business in, the United States and other World Trade Organization (“WTO”) signatories, except for: (1) seven investment funds from the Bahamas that hold in the aggregate a 0.53 percent interest in the Offshore Feeder Fund; and (2) three investment funds from the Bahamas that collectively hold a .01 percent interest in a Cayman entity that is co-owned by the Offshore Feeder Fund and certain “Redeemed Investors” and a .01 percent interest in a Delaware entity that is co-owned by the Partners Fund and certain “Redeemed Investors.”²⁸

The Special Situations Fund is a Delaware limited partnership whose general partner, Harbinger Capital Partners Special Situations GP, LLC (“Special Fund GP”), is a Delaware limited liability company. Special Fund GP has management control over the Special Situations Fund and is ultimately controlled by Phillip A. Falcone.²⁹ The majority of the limited partnership interests in the Special Situations Fund (62.25%) are held by Harbinger Capital Partners Special Situations Offshore Fund, L.P. (“Special Offshore Fund”), a Cayman Islands limited partnership.³⁰ Harbinger Capital Partners SSF CFF, Ltd. (“Harbinger Capital SSF”), a Cayman Islands exempted company, holds a 1.62 percent limited partnership interest in the Special Situations Fund.³¹ According to information provided by the Petitioners, all of the equity investors in the Special Offshore Fund and in Harbinger Capital SSF are citizens of, or entities that have their principal places of business in, the United States and other WTO Member countries.³² The Petitioners represent that the remaining limited partnership interests in the Special Situations Fund (26.83%) are widely dispersed and properly ascribed to U.S. investors.³³

The Applicants state that the Commission already made a preliminary determination in the 2008 *MSV Order* that it is consistent with the public interest for Harbinger to have a substantial interest in SkyTerra Communications when it granted Harbinger interim authority under section 310(b) to have up to 49.99 percent equity and voting interest in SkyTerra Communications.³⁴ We note that Harbinger also has

²⁵ SkyTerra Narrative, Attachment B, at 5; *see id.*, Annex 3 at 1.

²⁶ SkyTerra Narrative, Attachment B at 6; *see id.*, Annex 3 at 1.

²⁷ SkyTerra Narrative, Attachment B at 5; *see id.*, Annex 3 at 1-2.

²⁸ SkyTerra Narrative, Attachment B at 5; *see id.*, Annex 3 at 1-2.

²⁹ SkyTerra Narrative, Attachment B at 5, 7; *see id.*, Annex 3 at 3.

³⁰ SkyTerra Narrative, Attachment B at 5-6; *see id.*, Annex 3 at 3.

³¹ SkyTerra Narrative, Attachment B at 6; *see id.*, Annex 3 at 3.

³² SkyTerra Narrative, Attachment B at 6; *see id.*, Annex 1 at 4-5

³³ SkyTerra Narrative, Attachment, Annex 3 at 3.

³⁴ *See Mobile Satellite Ventures Subsidiary LLC and SkyTerra Communications, Inc., Petition for Declaratory Ruling Under Section 310(b) of the Communications Act of 1934, as Amended, File No. ISP-PDR-20070314-00004,*

a pending request for a declaratory ruling with the Commission seeking authority to hold up to 62 percent equity and 49.99 percent voting interest in SkyTerra Communications.³⁵

The Applicants further state that allowing Harbinger to increase its interest in SkyTerra Communications is warranted because: (1) a U.S. citizen controls the Master Fund and the Special Situations Fund; (2) each of the Harbinger funds has its principal place of business in the United States or a WTO Member country; and (3) all but a *de minimis* portion of the investments in Harbinger are made by investors from the United States and other WTO Member countries.³⁶ For these reasons, the Applicants contend that granting Harbinger authority to own, directly or indirectly, up to 100 percent of SkyTerra Communications would be consistent with the public interest pursuant to the Commission's policies and precedents implementing section 310(b)(4) of the Communications Act.

The Petition has been assigned the file number ISP-PDR-20080822-00016.

VIII. EX PARTE STATUS OF THIS PROCEEDING

The Applicants request that the Commission designate the *ex parte* status of this application proceeding as "permit-but-disclose" under the Commission's rules.³⁷ The Applicants contend that by so designating this application proceeding, the Commission will facilitate the development of a complete record and that such *ex parte* treatment is consistent with Commission action in similar transactions.³⁸

Pursuant to section 1.1200(a) of the Commission's rules,³⁹ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if it finds that the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.⁴⁰

We direct parties making oral *ex parte* presentations to the Commission's statement re-emphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list

and Harbinger Capital Partners Master Fund I, Ltd. and Harbinger Capital Partners Special Situations Fund, L.P., Petition for Expedited Action for Declaratory Ruling Under Section 310(b) of the Communications Act of 1934, as Amended, Order and Declaratory Ruling, FCC 08-77, 23 FCC Rcd 4436, 4444, ¶ 18, 4445, ¶ 21 (2008) ("2008 MSV Order") (granting Harbinger interim authority to increase its ownership in MSV through purchases of SkyTerra shares, not to exceed a non-controlling (*de jure* or *de facto*) 49.99% equity interest and 49.99% voting interest, subject to and without prejudice to any action the Commission may take on the pending request for declaratory ruling seeking the same relief but on a permanent basis).

³⁵ See ISP-PDR-20080129-00002, as amended by ISP-AMD-20090417-00002.

³⁶ See SkyTerra Narrative, Attachment B at 2, 7 and Annexes 1-5.

³⁷ SkyTerra Narrative at 11 (citing 47 C.F.R. §§ 1.1200 *et seq.*).

³⁸ SkyTerra Narrative at 11 (citing *Robert M. Franklin, Trustee, and Inmarsat plc Seek FCC Consent to the Transfer of Control of Stratos Global Corporation and Its Subsidiaries from an Irrevocable Trust to Inmarsat plc*, Public Notice, DA 08-1659, 23 FCC Rcd 10948 (2008)).

³⁹ 47 C.F.R. § 1.1200(a).

⁴⁰ *Id.* § 1.1206.

the subjects discussed.⁴¹ More than a one- or two-sentence description of the views and arguments presented is generally required.⁴² Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.⁴³ We urge parties to use the Electronic Comment Filing System (ECFS) to file *ex parte* submissions.⁴⁴

IX. GENERAL INFORMATION

This Application has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective or not in conformance with the Commission's rules or policies. Final action on this Application will not be taken earlier than thirty-one (31) days following the date of this Public Notice.⁴⁵

Interested parties must file petitions to deny or comments no later than **June 1, 2009**. Responses or oppositions to comments and petitions must be filed no later than **June 11, 2009**. Replies to such pleadings must be filed no later than **June 18, 2009**. All filings concerning matters referenced in this Public Notice should refer to **DA 09-996, IB Docket No. 08-184**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Under the Commission's procedures for the submission of filings and other documents,⁴⁶ submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **Electronic Filers:**⁴⁷ Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties also may submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing.

⁴¹ See *Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings*, Public Notice, FCC 00-358, 15 FCC Rcd 19945 (2000).

⁴² See 47 C.F.R. § 1.1206(b)(2).

⁴³ *Id.* § 1.1206(b).

⁴⁴ See discussion *infra* Section IX.

⁴⁵ See 47 U.S.C. § 309(b).

⁴⁶ See *Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, 16 FCC Rcd 21483 (2001); see also *FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence*, Public Notice, DA 01-2919, 16 FCC Rcd 22165 (2001); *Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media*, Public Notice, DA 03-2730, 18 FCC Rcd 16705 (2003).

⁴⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to the Commission's duplicating contractor, Best Copy and Printing, Inc., at fcc@bcpiweb.com or (202) 488-5563 (facsimile).

Additionally, filers may deliver courtesy copies by email or facsimile to the following Commission staff:

- (1) Jennifer Balatan, Policy Division, International Bureau, at Jennifer.Balatan@fcc.gov or (202) 418-2824 (facsimile);
- (2) Francis Gutierrez, Policy Division, International Bureau, at Francis.Gutierrez@fcc.gov or (202) 418-2824 (facsimile);
- (3) Howard Griboff, Policy Division, International Bureau, at Howard.Griboff@fcc.gov or (202) 418-2824 (facsimile);
- (4) Jodi Cooper, Policy Division, International Bureau, at Jodi.Cooper@fcc.gov or (202) 418-2824 (facsimile);
- (5) Susan O'Connell, Policy Division, International Bureau, at Susan.O'Connell@fcc.gov or (202) 418-2824 (facsimile);
- (6) Mark Uretsky, Policy Division, International Bureau, at Mark.Uretsky@fcc.gov or (202) 418-2824 (facsimile);
- (7) Karl Kensinger, Satellite Division, International Bureau, at Karl.Kensinger@fcc.gov or (202) 418-0748 (facsimile);
- (8) Marilyn Simon, Satellite Division, International Bureau, at Marilyn.Simon@fcc.gov or (202) 418-0748 (facsimile);

- (9) Jeff Tobias, Wireless Telecommunications Bureau, at Jeff.Tobias@fcc.gov or (202) 418-2643 (facsimile);
- (10) Jodie Donovan-May, Wireline Competition Bureau, at Jodie.May@fcc.gov or (202) 418-1413 (facsimile);
- (11) Behnam Ghaffari, Office of Engineering and Technology, at Behnam.Ghaffari@fcc.gov or (202) 418-1918 (facsimile); and
- (12) Neil Dellar, Office of General Counsel, at Neil.Dellar@fcc.gov or (202) 418-1234 (facsimile).

Copies of the Applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc., in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at fcc@bcpiweb.com. The Applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The Applications also are available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

People with Disabilities: To request this Public Notice in accessible formats (computer diskette, large print, audio recording, and Braille) send an email to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, contact Jennifer Balatan, Policy Division, International Bureau, at 202-418-1517.

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